

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**DANIEL ELDRIDGE
ADC #175259**

PLAINTIFF

v.

Case No. 3:20-cv-00335-LPR

DEXTER PAYNE, Director, ADC, et al.

DEFENDANTS

ORDER

The Court has received proposed findings and recommendations (“PFR”) from United States Magistrate Judge Joe J. Volpe. No objections have been filed and the time for doing so has expired. After a careful and de novo review of the PFR and the record, the Court adopts the PFR in its entirety.¹ However, it is the Court’s view that the appropriate disposition is entry of judgment in favor of Davis, Young, Glass and Moss as opposed to dismissal of the claims.

Accordingly, Defendants’ Motion for Summary Judgment (Doc. 23) is GRANTED. Judgment shall be entered in favor of Defendants Davis, Young, Glass, and Moss, and this case will be CLOSED. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an *in forma pauperis* appeal from this Order and the accompanying Judgment is considered frivolous and not in good faith.

IT IS SO ORDERED this 29th day of June 2021.

A handwritten signature in black ink, appearing to read 'Lee P. Rudofsky', written over a horizontal line.

LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE

¹ Like Judge Volpe, I too am sympathetic to Mr. Eldridge’s situation. I would go so far as to say this outcome isn’t very fair. But it is the outcome dictated by the law given the particular language used in the prison’s applicable policy and form.